

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION  
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IN RE:  
Catherine Rowley Zelner

Case No. 6:15-bk-10305-KSJ  
Chapter 7

Debtor. \_\_\_\_\_ /

**MOTION FOR RELIEF FROM STAY**  
**(RE: 417 ADAMS AVENUE, CAPE CANAVERAL, FL 32920)**

**NOTICE OF OPPORTUNITY TO**  
**OBJECT AND REQUEST FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files a response within 21 DAYS from the date set forth on the proof of service attached to this paper plus an additional three days for service. If you object to the relief requested in this paper, you must file your response with the Clerk of the Court at George C. Young Federal Courthouse, 400 W. Washington Street, Suite 5100, Orlando, FL 32801, and serve a copy on the Movant's attorney, Samantha Carr, c/o Shapiro, Fishman & Gaché, 4630 Woodland Corporate Blvd., Suite 100, Tampa, FL 33614 and any other appropriate persons within the time allowed.

If you file and serve a response within the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the response and may grant or deny the relief requested without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

COMES NOW, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR-  
IN-INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE, FOR  
GSAA 2005-11, by and through its undersigned attorneys, moves the Court for an Order  
Granting Relief from the Automatic Stay pursuant to 11 USC 362(d)(1) and 11 USC  
362(d)(2)(A) and in support thereof would show:

1. That Debtor(s) filed this case on December 9, 2015.
2. This is a motion pursuant to Bankruptcy Rule 4001(a) for relief from the automatic stay provisions of Section 362(a) of the Bankruptcy Code.

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR-IN-INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE, FOR GSAA 2005-11, is a secured creditor by virtue of a promissory note and mortgage on real property. Said real property has the following legal description: LOT 7, BLOCK 10, AVON BY THE SEA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 7, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. The note and mortgage are attached hereto as Exhibit "A."

3. The aforementioned documents give the secured creditor, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR-IN-INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE, FOR GSAA 2005-11, a first mortgage position on the property known as: 417 Adams Avenue, Cape Canaveral, FL 32920.

4. That payments due pursuant to the aforementioned note and mortgage have been in default, and remain in default since September 1, 2014.

5. The Debtor is indebted to the secured creditor in the approximate amount \$366,513.04 as of September 7, 2016.

6. The Brevard County Property Appraiser shows a just market value of the property at \$273,040.00. A copy of the evidence of value is attached hereto and made a part hereof as Exhibit "B."

7. The Debtor failed to adequately protect the interest of the secured creditor.

8. There is no equity in the property.

9. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR-IN-INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE, FOR GSAA 2005-11, is prohibited from instituting and /or completing a foreclosure action in the State Court because of the pendency of this Bankruptcy action, and that in the absence of the court's Order

allowing the secured creditor, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR-IN-INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE, FOR GSAA 2005-11, to proceed with the Foreclosure action, the secured creditor's security will be significantly jeopardized.

10. Pursuant to M.D. Fla. L.B.R. 9004-2(f) the estimated time required for hearing is five (5) minutes.

WHEREFORE, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR-IN-INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE, FOR GSAA 2005-11, moves this Honorable Court for an Order Granting Relief from the Automatic Stay.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Relief from Stay and Notice of Opportunity to Object and for Hearing, and all exhibits have been served by either CM/ECF transmission or standard first class U.S. Mail on this 13th day of September, 2016 to the following:

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/s/ Samantha Carr  
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